

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SERGIO BONILLA, on behalf of himself)	
and all others similarly situated,)	
)	Case No. 1:21-cv-00051
Plaintiff,)	
)	Hon. Judge Virginia M. Kendall
v.)	
)	Magistrate Judge Gabriel A. Fuentes
PEOPLECONNECT, INC., a Delaware)	
Corporation; PEOPLECONNECT INC., a)	
California Corporation; CLASSMATES)	
MEDIA CORPORATION, a Delaware)	
Corporation,)	
)	
Defendants.)	

THERESA LOENDORF, on behalf of)	
herself and all others similarly situated,)	
)	Case No. 1:21-cv-00610
Plaintiff,)	
)	Hon. Judge Virginia M. Kendall
v.)	
)	Magistrate Judge Gabriel A. Fuentes
PEOPLECONNECT, INC., a Delaware)	
Corporation; CLASSMATES MEDIA)	
CORPORATION, a Delaware Corporation,)	
)	
Defendants.)	

**DEFENDANT’S CONSOLIDATED MOTION TO DISMISS BONILLA’S AND
LOENDORF’S COMPLAINTS**

PeopleConnect, Inc. moves to dismiss Plaintiffs’ Class Action Complaints. The Court should dismiss the complaint under Federal Rule of Civil Procedure 12(b)(3) because Plaintiffs agreed to arbitrate their claims against Defendant. If the Court does not dismiss the complaint under Rule 12(b)(3), the Court should dismiss the complaint under Rule 12(b)(2) because Plaintiffs

have failed to plead that this Court has personal jurisdiction over Defendant. If the Court does not dismiss the complaints on either of these bases, the Court should dismiss the complaint with prejudice under Rule 12(b)(6) because (1) the claims are barred by Section 230 of the Communications Decency Act; (2) Section 301 of the Copyright Act preempts Plaintiffs' claims; (3) Plaintiffs have not pleaded all the elements of any claim as required under Rule 12(b)(6), nor has Plaintiff Bonilla pleaded the elements of an Illinois Consumer Fraud and Deceptive Business Practice Act claim, 815 ILCS 505/1 *et seq.*, with the requisite particularity under Rule 9(b); and (4) Plaintiffs' claims run afoul of both the First Amendment and Dormant Commerce Clause. For the reasons set forth above and in the accompanying memorandum in support of this motion, Defendants respectfully move to dismiss the complaint with prejudice.

Dated: April 5, 2021

Respectfully Submitted,

PEOPLECONNECT, INC.

By: /s/ Wade A. Thomson

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Attorneys for Defendants PeopleConnect, Inc.

CERTIFICATE OF SERVICE

I, Wade A. Thomson, certify that on April 5, 2021, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will then send a Notice of Electronic Filing to all counsel of record.

/s/ Wade A. Thomson
Wade A. Thomson